

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDACLARENCE MADDOX  
Clerk of Court

Appeals Section

Date: 3/2/2007

Clerk, United States Court of Appeals  
Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, GA 30303**ORIGINAL FILE**IN RE: District Court No: 00-06284-CR JAL  
U.S.C.A No: 06-15376-E  
Style: DAVID I. ALTMAN V. USA

Enclosed are documents regarding an appeal in this matter. Please acknowledge receipt on the enclosed copy of this letter.

Certified copy of Notice of Appeal, docket entries, judgment, opinion/order appealed from, enclosed. If  
opinion/order was oral, please check \_\_\_\_.☒ ORIGINAL FILE ☒ YES ☐ NO

Date(s) of other notices: \_\_\_\_\_

\_\_\_\_ 1 volume(s) of pleadings \_\_\_\_ 1 volume(s) of transcripts

\_\_\_\_ EXPANSION: \_\_\_\_ 0 \_\_\_\_\_

\_\_\_\_ There was no hearing from which a transcript could be made.

\_\_\_\_ Copy of CJA form appointing counsel.

\_\_\_\_ The following materials were SEALED in this court (order enclosed):  
\_\_\_\_\_\_\_\_\_ The appellate docket fee has been paid ☐ YES ☐ NO

Date Paid \_\_\_\_\_

\_\_\_\_ Appellant has been granted leave to appeal in Forma Pauperis (copy of granting IFP is enclosed)

☒ The Judge or Magistrate appealed from is : Joan A. Lenard☒ The court reporter(s) is/are: LISA EDWARDS

\_\_\_\_ This is an appeal of a bankruptcy order.

\_\_\_\_ Bankruptcy Judge: \_\_\_\_\_

\_\_\_\_ This is a DEATH PENALTY appeal.

Sincerely,

Clarence Maddox, Clerk of Court

By: *Matthew L. Christen*

Deputy Clerk

c: court file

☒ 301 N. Miami Avenue  
Miami, FL 33128-7788  
305-523-5080☐ 299 E. Broward Boulevard  
Ft. Lauderdale, FL 33301  
954-769-5413☐ 701 Clematis Street  
West Palm Beach, FL 33401  
561-803-3408

APPEAL, CLOSED

**U.S. District Court  
Southern District of Florida (Ft. Lauderdale)  
CRIMINAL DOCKET FOR CASE #: 0:00-cr-06284-JAL-ALL  
Internal Use Only**

Case title: USA v. Altman

Date Filed: 09/29/2000

Assigned to: Judge Joan A. Lenard

**Defendant**

**David I. Altman (1)**  
*TERMINATED: 04/25/2001*

represented by **Public Defender**  
Federal Public Defender's Office  
150 W Flagler Street  
Miami, FL 33130-1556  
305-530-7000  
Fax: 536-4559  
Email: ctjonesayt@hotmail.com  
*TERMINATED: 10/04/2000*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender*  
*Appointment*

**Robert Norman Berube**  
Federal Public Defender's Office  
1 E Broward Boulevard  
Suite 1100  
Fort Lauderdale, FL 33301  
954-356-7436  
Fax: 356-7556  
*TERMINATED: 04/25/2001*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender*  
*Appointment*

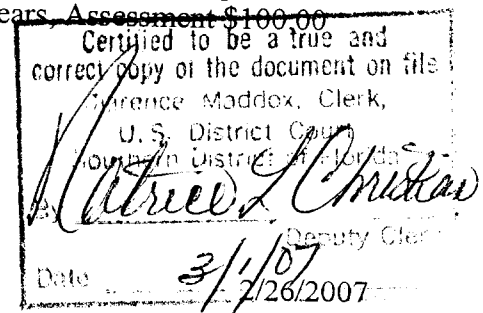
**Pending Counts**

18:2252A.F ACTIVITIES RE  
MATERIAL  
CONSTITUTING/CONTAINING  
CHILD PORNO  
(1)

**Highest Offense Level (Opening)**

**Disposition**

Imprisonment 87 months, Supervised  
Release 3 years, Assessment \$100.00



Felony

**Terminated Counts**

18:2252A.F ACTIVITIES RE  
MATERIAL  
CONSTITUTING/CONTAINING  
CHILD PORNO  
(2-5)

**Disposition**

Dismissed

**Highest Offense Level (Terminated)**

Felony

**Complaints**

None

**Disposition**

**Plaintiff**

USA

represented by **Kathleen Rice**  
United States Attorney's Office  
500 E Broward Boulevard  
7th Floor  
Fort Lauderdale, FL 33301-3002  
954-356-7255X3512  
Fax: 356-7336  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Pro Bono*

Date Filed	#	Docket Text
09/28/2000	<u>1</u>	INDICTMENT as to David I. Altman (1) count(s) 1-5 (Criminal Category 1) (mh, Deputy Clerk) Modified on 09/29/2000 (Entered: 09/29/2000)
09/28/2000		Magistrate identification: Magistrate Judge Ted Turnoff (mh, Deputy Clerk) (Entered: 09/29/2000)
09/28/2000	<u>2</u>	ARREST WARRANT issued as to David I. Altman. Warrant issued by Judge Joan A. Lenard Bail fixed at \$25,000 CSB (mh, Deputy Clerk) (Entered: 09/29/2000)
09/28/2000		**JS2 Opening Card for David I. Altman (dr, Deputy Clerk) (Entered: 02/28/2001)
09/29/2000	<u>3</u>	ORDER on Initial Appearance as to David I. Altman Bond set to \$150,000 PSB/\$25,000 10% Cash for David I. Altman., for Appointment of Public Defender , , ( Signed by Magistrate Barry S. Seltzer on 9/29/00) Tape # 00-075 CCAP (Former Deputy Clerk) (Entered: 10/02/2000)

09/29/2000	4	Minutes of initial appearance held on 9/29/00 before Magistrate Barry S. Seltzer as to David I. Altman : Court Reporter Name or Tape #: 00-075 (Former Deputy Clerk) (Entered: 10/03/2000)
09/29/2000		Initial appearance as to David I. Altman held (Defendant informed of rights.) (Former Deputy Clerk) (Entered: 10/03/2000)
09/29/2000	5	ARRAIGNMENT INFORMATION SHEET for David I. Altman (1) count(s) 1-5 NOT GUILTY PLEA ENTERED as to all counts. Court accepts plea. (Former Deputy Clerk) (Entered: 10/03/2000)
09/29/2000	6	PERSONAL SURETY BOND entered by David I. Altman in Amount \$25,000 10% cash Receipt # 520582 Approved by Magistrate Barry S. Seltzer . Additional conditions: same conditions as Personal Bond (Former Deputy Clerk) (Entered: 10/03/2000)
09/29/2000	7	PERSONAL SURETY BOND entered by David I. Altman in Amount \$150,000 Approved by Magistrate Barry S. Seltzer . Surrender passports/travel documents; Report to PTS as follows: as directed Random urine testing; Full-time employment; Avoid victims/witnesses; No firearms/weapons; travel restricted to SDFL, reside at current address, no illegal drugs or excessive alcohol, no computer in home, no internet, no contact with minors except own child (Former Deputy Clerk) (Entered: 10/03/2000)
09/29/2000	11	Minutes of status conference held on 9/29/00 before Magistrate Barry S. Seltzer as to David I. Altman ; (Former Deputy Clerk) (Entered: 10/16/2000)
09/29/2000	12	STANDING DISCOVERY ORDER as to David I. Altman all motions concerning matters not covered by this order must be filed within 28 days of this order ( Signed by Magistrate Barry S. Seltzer on 9/29/00) CCAP (Former Deputy Clerk) (Entered: 10/16/2000)
09/29/2000		ARREST of David I. Altman (Former Deputy Clerk) (Entered: 10/18/2000)
09/29/2000	13	ORDER re: partial indigency for appointment of counsel and distribution of available funds, set status conference for 11:00 12/27/00 as to David I. Altman ( Signed by Magistrate Barry S. Seltzer on 9/29/00) CCAP [EOD Date: 2/9/01] CCAP (Former Deputy Clerk) (Entered: 02/09/2001)
10/04/2000	8	NOTICE of Assignment of Assistant Public Defender for David I. Altman . Terminated attorney Public Defender for David I. Altman AFD Robert Norman Berube assigned. (Former Deputy Clerk) (Entered: 10/04/2000)
10/04/2000	9	DEFENDANT'S INVOCATION OF RIGHT TO SILENCE AND COUNSEL by David I. Altman (Former Deputy Clerk) (Entered: 10/04/2000)
10/11/2000	10	RESPONSE to Standing Discovery Order by USA as to David I. Altman (Former Deputy Clerk) (Entered: 10/12/2000)

10/17/2000	14	ARREST WARRANT Returned Executed as to David I. Altman on 9/29/00 (Former Deputy Clerk) (Entered: 10/18/2000)
10/17/2000	15	ORDER as to David I. Altman set Jury trial for 11/27/00 for David I. Altman before Judge Joan A. Lenard , set calendar call for 3:00 11/17/00 for David I. Altman before Judge Joan A. Lenard ( Signed by Judge Joan A. Lenard on 10/17/00) CCAP [EOD Date: 10/18/00] CCAP (Former Deputy Clerk) (Entered: 10/18/2000)
11/16/2000	16	UNOPPOSED MOTION by David I. Altman to continue trial (Former Deputy Clerk) (Entered: 11/17/2000)
11/17/2000	17	Minutes of calendar call held on 11/17/00 before Judge Joan A. Lenard as to David I. Altman ; Court Reporter Name or Tape #: Richard Kaufman (Former Deputy Clerk) (Entered: 11/21/2000)
11/20/2000		**Added Government Attorney PTS Officer, Probation Officer (dr, Deputy Clerk) (Entered: 11/20/2000)
12/27/2000	18	Minutes of partial indigence status held on 12/27/00 before Magistrate Barry S. Seltzer as to David I. Altman ; Court Reporter Name or Tape #: 00-101-1209-1267 (Former Deputy Clerk) (Entered: 12/28/2000)
12/28/2000	19	ORDER as to David I. Altman granting [16-1] motion to continue trial as to David I. Altman (1) set Jury trial for 1/16/01 for David I. Altman before Judge Joan A. Lenard , set calendar call for 2:30 1/11/01 for David I. Altman before Judge Joan A. Lenard , to Continue in Interest of Justice ( Signed by Judge Joan A. Lenard on 12/28/00) CCAP [EOD Date: 12/29/00] CCAP (Former Deputy Clerk) (Entered: 12/29/2000)
01/18/2001	20	Minutes of change of plea held on 1/18/01 before Judge Joan A. Lenard as to David I. Altman ; GUILTY: David I. Altman (1) count(s) 1 Court Reporter Name or Tape #: Richard Kaufman (Former Deputy Clerk) (Entered: 01/22/2001)
01/18/2001		Change of Plea Hearing as to David I. Altman held (Former Deputy Clerk) (Entered: 01/22/2001)
01/18/2001	21	Plea Agreement as to David I. Altman guilty to Count 1 (Former Deputy Clerk) (Entered: 01/22/2001)
01/18/2001	22	NOTICE of Hearing as to David I. Altman : setting Sentencing for 3:00 3/29/01 for David I. Altman before Judge Joan A. Lenard (Former Deputy Clerk) (Entered: 01/22/2001)
01/22/2001	23	Minutes of status re partial indigence held on 1/22/01 before Magistrate Barry S. Seltzer as to David I. Altman ; Court Reporter Name or Tape #: 01-002 (Former Deputy Clerk) (Entered: 01/23/2001)
01/22/2001		Status conference as to David I. Altman held (Former Deputy Clerk) (Entered: 01/23/2001)
03/07/2001	24	MOTION by David I. Altman to extend time to conduct sentencing (Former Deputy Clerk) (Entered: 03/08/2001)

03/07/2001	<u>25</u>	OBJECTION by David I. Altman to Presentence Investigation Report (Former Deputy Clerk) (Entered: 03/08/2001)
03/20/2001	<u>26</u>	ORDER as to David I. Altman granting [24-1] motion to extend time to conduct sentencing as to David I. Altman (1) setting Sentencing for 2:30 4/20/01 for David I. Altman before Judge Joan A. Lenard (Signed by Judge Joan A. Lenard on 3/20/01) CCAP [EOD Date: 3/22/01] CCAP (Former Deputy Clerk) (Entered: 03/22/2001)
03/30/2001	<u>27</u>	UNOPPOSED MOTION by David I. Altman to withdraw [24-1] motion to extend time to conduct sentencing by David I. Altman (Former Deputy Clerk) (Entered: 04/02/2001)
04/12/2001	<u>29</u>	ORDER as to David I. Altman granting [28-1] motion to Travel to Walt Disney World in Orlando, Florida; Defendant must provide travel arrangements to Pre-Trial Services (Signed by Judge Joan A. Lenard on 4/12/01) CCAP [EOD Date: 4/17/01] CCAP (Former Deputy Clerk) (Entered: 04/17/2001)
04/13/2001	<u>28</u>	UNOPPOSED MOTION by David I. Altman to Travel to Walt Disney World in Orlando, Florida (Former Deputy Clerk) (Entered: 04/16/2001)
04/20/2001		Sentencing held David I. Altman (1) count(s) 1 (Former Deputy Clerk) (Entered: 04/26/2001)
04/25/2001	<u>30</u>	Minutes of sentencing held on 4/20/01 before Judge Joan A. Lenard as to David I. Altman; Court Reporter Name or Tape #: Richard Kaufman (Former Deputy Clerk) (Entered: 04/26/2001)
04/25/2001	<u>31</u>	JUDGMENT as to David I. Altman (1) count(s) 1 Imprisonment 87 months, Supervised Release 3 years, Assessment \$100.00, David I. Altman (1) count(s) 2-5 Dismissed (Signed by Judge Joan A. Lenard on 4/25/01) CCAP [EOD Date: 4/26/01] CCAP (Former Deputy Clerk) (Entered: 04/26/2001)
04/25/2001		**Case closed as to all defendants: David I. Altman (Former Deputy Clerk) (Entered: 04/26/2001)
06/27/2001	<u>32</u>	Judgment Returned Executed as to David I. Altman on 6/19/01 at LSCI Butner, NC (Former Deputy Clerk) (Entered: 06/28/2001)
07/23/2001	<u>33</u>	MOTION by David I. Altman for disbursement of bond (Former Deputy Clerk) (Entered: 07/24/2001)
07/23/2001	<u>33</u>	ORDER as to David I. Altman granting [33-1] motion for disbursement of bond as to David I. Altman (1) ( Signed by Judge Joan A. Lenard on 7/23/01) [EOD Date: 7/24/01] CCAP (Former Deputy Clerk) (Entered: 07/24/2001)
04/30/2002	<u>34</u>	MOTION by David I. Altman to vacate under 28 U.S.C. 2255 (Civil Action # 02-60601-CIV-JAL) (ea, Deputy Clerk) (Entered: 05/01/2002)
08/06/2002	<u>35</u>	NOTICE of Filing certificate of service for answer to the government's response to 2255 arguments by David I. Altman (Former Deputy Clerk)



		(Entered: 08/07/2002)
05/21/2003	<u>36</u>	ORDER as to David I. Altman denying [34-1] motion to vacate under 28 U.S.C. 2255 (Civil Action # 02-60601-CIV-JAL) as to David I. Altman (1) ( Signed by Judge Joan A. Lenard on 5/21/03) [EOD Date: 5/22/03] CCAP (Former Deputy Clerk) (Entered: 05/22/2003)
05/21/2003	<u>37</u>	MOTION by David I. Altman to vacate under 28 U.S.C. 2255 ( Civil Action # 03-60967-CV-JAL) (Former Deputy Clerk) (Entered: 05/29/2003)
06/16/2003	<u>38</u>	RESPONSE by USA as to David I. Altman re motion for return of property (Former Deputy Clerk) (Entered: 06/17/2003)
07/14/2003	<u>39</u>	ORDER as to David I. Altman granting [37-1] motion for return of property (Civil Action # 03-60967-CV-JAL) as to David I. Altman (1) ( Signed by Judge Joan A. Lenard on 7/14/03) Date: 7/15/03] CCAP (Former Deputy Clerk) (Entered: 07/15/2003)
04/22/2004	<u>40</u>	Letter MOTION by David I. Altman for production of property (ra, Deputy Clerk) (Entered: 04/26/2004)
04/29/2004	<u>41</u>	ORDER OF REFERENCE referring Motion(s) to Magistrate Judge Andrea M. Simonton as to David I. Altman : [40-1] motion for production of property as to David I. Altman (1) ( Signed by Judge Joan A. Lenard on 4/28/04) [EOD Date: 4/30/04] CCAP (dg, Deputy Clerk) (Entered: 04/30/2004)
04/30/2004	<u>42</u>	ORDER DIRECTING GOVERNMENT TO RESPOND as to David I. Altman Response to motion [40-1] motion for production of property set for 05/15/04 (Signed by Magistrate Judge Andrea M. Simonton on 04/30/04) [EOD Date: 5/3/04] CCAP (ra, Deputy Clerk) (Entered: 05/03/2004)
07/02/2004	<u>43</u>	ORDER Directing the Government to comply with Distrcet Court's Order dated 07/14/03 as to David I. Altman (Signed by Magistrate Judge Andrea M. Simonton on 07/02/04) [EOD Date: 7/6/04] CCAP (ra, Deputy Clerk) (Entered: 07/06/2004)
07/13/2004	<u>44</u>	RESPONSE by USA as to David I. Altman to Court's [43-1] order to comply with Distrcet Court's Order dated 07/14/03 (ra, Deputy Clerk) (Entered: 07/14/2004)
08/10/2004	<u>45</u>	TRAVERSE by David I. Altman to [44-1] response (ra, Deputy Clerk) (Entered: 08/11/2004)
09/15/2004	<u>46</u>	MOTION by David I. Altman to vacate under 28 U.S.C. 2255 ( Civil Action # 04-61198-CV-JAL) (dg, Deputy Clerk) (Entered: 09/16/2004)
09/15/2004		NOTE: All further docketing is to be done in the civil case. (Civil Case no.: 04-61198-CV-JAL) Criminal cases filed 1996 and prior will be scanned at a later date (dg, Deputy Clerk) (Entered: 09/16/2004)
10/19/2004	<u>47</u>	ORDER as to David I. Altman denying [46-1] motion to vacate under 28

		U.S.C. 2255 ( Civil Action # 04-61198-CV-JAL) as to David I. Altman (1) ( Signed by Judge Joan A. Lenard on 10/19/04) [EOD Date: 10/20/04] CCAP (ra, Deputy Clerk) (Entered: 10/20/2004)
11/02/2004	<u>48</u>	ORDER as to David I. Altman mootng [40-1] motion for production of property as to David I. Altman (1) ( Signed by Magistrate Judge Andrea M. Simonton on 11/02/04) [EOD Date: 11/3/04] CCAP (ra, Deputy Clerk) (Entered: 11/03/2004)
08/01/2005	<u>49</u>	MOTION by David I. Altman to enforce Court Order (ra, Deputy Clerk) (Entered: 08/02/2005)
08/02/2005	<u>50</u>	ORDER OF REFERENCE referring Motion(s) to Magistrate Judge Andrea M. Simonton as to David I. Altman: [49-1] motion to enforce Court Order as to David I. Altman (1) (Signed by Judge Joan A. Lenard on 08/02/05) [EOD Date: 8/3/05] CCAP (ra, Deputy Clerk) (Entered: 08/03/2005)
08/03/2005	<u>51</u>	ORDER as to David I. Altman denying [49-1] motion to enforce Court Order as to David I. Altman (1) ( Signed by Magistrate Judge Andrea M. Simonton on 08/03/05) [EOD Date: 8/4/05] CCAP (ra, Deputy Clerk) (Entered: 08/04/2005)
08/04/2005	<u>52</u>	CERTIFICATION REGARDING REFERRED CASE/ORDER OF MAGISTRATE REASSIGNMENT as to David I. Altman (Signed by Magistrate Judge Andrea M. Simonton on 08/03/05) (Signed by Judge Joan A. Lenard on 08/04/05) [EOD Date: 8/5/05] CCAP (ra, Deputy Clerk) (Entered: 08/05/2005)
08/04/2005		Magistrate identification: Magistrate Judge Theodore Klein (ra, Deputy Clerk) (Entered: 08/05/2005)
09/06/2005	<u>53</u>	Letter from defendant to Attorney Neil Karadbil by David I. Altman (ra, Deputy Clerk) (Entered: 09/09/2005)
08/31/2006	<u>54</u>	NOTICE That Action Involves Challenge To Consitutionality Of Statute Pursuant To 28 USC 2403 And Fed. Rules Of Civ. Proc. Rule 24(c) by David I. Altman as to David I. Altman (mh, Deputy Clerk) (Entered: 09/01/2006)
08/31/2006	<u>55</u>	MOTION by David I. Altman for relief pursuant to Fed. Rules of Civ. Proc., Rule 60(b)(4) (mh, Deputy Clerk) (Entered: 09/01/2006)
09/06/2006	<u>56</u>	ORDER as to David I. Altman denying [55-1] motion for relief pursuant to Fed. Rules of Civ. Proc., Rule 60(b)(4) as to David I. Altman (1) ( Signed by Judge Joan A. Lenard on 9/6/06) [EOD Date: 9/7/06] CCAP (mh, Deputy Clerk) (Entered: 09/07/2006)
10/03/2006	<u>57</u>	NOTICE OF APPEAL by David I. Altman re: [56-1] order EOD Date: 9/7/06; David I. Altman (1) count(s) 1; Filing Fee: \$ (FEE NOT PAID) Copies to USCA, AUSA, USM, USPO and Counsel of Record. (nc, Deputy Clerk) (Entered: 10/04/2006)
10/03/2006	<u>58</u>	MOTION for Certificate of Appealability by David I. Altman. (per the



		11th Circuit) (nc) (Entered: 10/13/2006)
10/03/2006	<u>59</u>	MOTION for Reconsideration re <u>55</u> Motion for Miscellaneous Relief filed by David I. Altman. (per the 11th Circuit) . (nc) (Entered: 10/13/2006)
10/04/2006		Certified copies of Notice of Appeal, Docket and Order under appeal to USCA: as to David I. Altman [57-1] appeal (nc, Deputy Clerk) (Entered: 10/04/2006)
10/16/2006		Notice of Receipt of Transmittal Letter from USCA on 10/10/06 as to David I. Altman re <u>57</u> Notice of Appeal - Final Judgment in re: USCA# 06-15376-E (nc) (Entered: 10/16/2006)
10/20/2006	<u>60</u>	TRANSCRIPT INFORMATION FORM as to David I. Altman re: <u>56</u> appeal received on 10/24/06 from Court Reporter Coordinator. (nc) (Entered: 10/25/2006)
10/25/2006	<u>61</u>	ORDER denying <u>58</u> Motion for Certificate of Appealability as to David I. Altman (1); denying <u>59</u> Motion for Reconsideration as to David I. Altman (1). Signed by Judge Joan A. Lenard on 10/25/06. (lc2) (Entered: 10/25/2006)
11/27/2006	<u>62</u>	USCA Appeal Fees received \$ 455.00, receipt number 950269 as to David I. Altman re <u>57</u> Notice of Appeal - Final Judgment: (nc) (Entered: 12/04/2006)
12/01/2006	<u>63</u>	TRANSCRIPT filed of Initial Appearance & Bond Hearing as to David I. Altman for dates of 9/29/2000 (pages 1-15) before Judge Barry L. Seltzer, re <u>57</u> Notice of Appeal - Final Judgment by Court Reporter Jerald Meyers. (nc) (Entered: 12/08/2006)
12/01/2006	<u>64</u>	TRANSCRIPT FILED by Court Reporter as to David I. Altman for Initial Appearance & Bond Hearing held on 9/29/06. before Judge Barry S. Seltzer re <u>57</u> Notice of Appeal - Final Judgment (nc) (Entered: 12/08/2006)
12/08/2006	<u>65</u>	NOTICE OF INQUIRY by David I. Altman re <u>61</u> Order on Motion for Certificate of Appealability, Order on Motion for Reconsideration (Updated docket sheet sent) (nc) (Entered: 12/13/2006)
02/08/2007	<u>66</u>	TRANSCRIPT as to David I. Altman for Sentencing held on 4/20/01 before Judge Joan A. Lenard, (pages 1-19) re <u>57</u> Notice of Appeal - Final Judgment Court Reporter: Richard Kaufman. (nc) (Entered: 02/09/2007)
02/08/2007	<u>67</u>	TRANSCRIPT INFORMATION FORM as to David I. Altman re <u>57</u> Notice of Appeal -for David I. Altman, Transcript of: Sentencing held 4/20/01 filed by Court Reporter Richard Kaufman. (nc) (Entered: 02/12/2007)